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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,867	01/09/2006	Peter Lawrence Frampton	P08832US00/DEJ	3799

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THE NATH LAW GROUP  
112 South West Street  
Alexandria, VA 22314

EXAMINER
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FLETCHER, JERRY-DARYL

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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03/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,867	<b>Applicant(s)</b> FRAMPTON, PETER LAWRENCE	
	<b>Examiner</b> JERRY-DARYL FLETCHER	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/24/2008 has been entered.

### ***Priority***

2. The applicant claims priority from application (**2003/5346**), but has submitted a certified copy of application (**2003/5246**). Applicant will be unable to receive the benefit of the claimed priority until this problem is corrected. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in South Africa on 12/02/2004. It is noted, however, that applicant has not filed a certified copy of the South Africa application no: 2003/5346 application as required by 35 U.S.C. 119(b).

The examiner notes that the previous Office Action incorrectly read the applicant's submitted Declaration to read that the priority was claimed to 2003/5348 instead of 2003/5346. Notwithstanding this issue has been rectified, the applicant has submitted a certified copy of 2003/5246 and not 2003/5346, to which the priority is claimed. The priority is therefore still unable to be granted.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the instant case the claim lacks concreteness since the step of “elucidating a student’s decision process” is not a concrete step that can be easily reproduced. The applicant positively recites “elucidating a student’s decision process”, which bears the implication that the student’s decision process is always clarified

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No: US 2002/0164561 to Joffe (Joffe), in view of US Patent No: US 3,889,395 to Zegel (Zegel).

In reference to Claim 1

Joffe teaches a method of teaching accounting principles comprising:

using question sets to distinguish assets, liabilities, income and expenditure from one another to facilitate proper treatment of said assets, liabilities, income and expenditure in books of account (abstract & par. 0049-0050), and

using words other than commonly accepted accounting words to denote accounting concepts (par. 0038).

Joffe, however, fails to specifically teach that a first color bank note is used to represent a positive financial transaction value and a second color bank note is used to represent a negative financial transaction value, or that the magnitude of the financial transactions is the same.

Zegel discloses a method for teaching the principle of double-entry accounting wherein a different color object is used to indicate positive and negative transactions (Fig. 2(a) & col. 2, ll. 47-59), and further that the positive transactions are of the same magnitude as the negative transactions (col. 2, ll. 31-33 & col. 5, ll. 35-49).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have combined the teachings of Joffe and Zegel by supplementing the invention of Joffe with the ability to indicate positive and negative transactions and demonstrate the principle of double-entry accounting by using financial transactions of equal magnitude. This represents a combination of known elements to achieve a desired result.

It is noted by the applicant that the "bank note" as claimed by the applicant is interpreted to mean a physical object that represents a financial transaction, thus the prior art of Zegel, while not specifically disclosing a bank note, still anticipates the

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claimed invention because it discloses a physical object that represents a financial transaction.

It is further noted that though Zegel discloses that different color arrows on the same card are used instead of two separate objects, the teaching of using a different color for indicating positive and negative financial transactions is taught by the reference.

### ***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are not persuasive.

With regard to applicant's first argument that the prior art fails to teach bank notes, the examiner has acknowledged that Joffe fails to explicitly teach "bank notes". However, the rejection of the claims now relies upon Zegel, as such the arguments are considered moot.

With respect to applicant's second argument that the prior art fails to teach the elucidation of a student's decision making process using questions, the examiner respectfully notes that the abstract of Joffe discloses that an instruction is selected to illustrate financial transactions, and in paragraphs 0049-0050, Joffe describes the process of an instructor selecting a problem for a user by providing the user with the problems, the instructor is able to clarify the student's understanding of the concept of double entry.

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With respect to the applicant's third argument, the examiner notes that, as referenced in the rejection above, Joffe teaches that the use of specific accounting jargon is not required in the invention. In paragraph 0038, Joffe specifically teaches that accounting jargon is not necessarily used in the invention of Joffe, but rather that the invention is directed towards teaching the concepts of accounting rather than teaching specific jargon.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JERRY-DARYL FLETCHER whose telephone number is (571)270-5054. The examiner can normally be reached on Monday to Friday 9:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/  
Primary Examiner, Art Unit 3715

/J.D.F./  
Examiner, Art Unit 3715